1944 **File No.** children II
44.

Legal Department

B BRANCH

Subject:-

Rules and Notifications

under the Bombay children

Act, 1924

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File No. children II/44

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Office of the R.L.A.

Under sub-section (2) of section 52 of the Bombay Children Act,1924 Government can make rules with regard to matters specified to clauses (a) to (r). The Chief Inspector of Certified Schools, Bombay Province, has sent a set of draft rules relating to the control and management of the Children's Home, Industrial Settlement, Sholapur. These rules are based more or less on the lines of the rules issued by Government for the Yeravda Industrial School. The Chief Inspector of Certified Schools observes that the Children's Home, Industrial Settlement Sholapur "is a certified School under section 34(2) of the Bombay Children Act" but in the preamble to the draft notification prepared by the Home Department reference is made to "section 35(1)". If as stated by the Chief Inspector, the School in question is a School certified under sub-section (2) of section 34,the reference in the preamble to the draft notification should be to "section 35 (2)" and not to "section 35(1)". The expression "certified School" as defined in clause (d) of section 3 of the Act means an industrial School -

(i) established under sub-section(1) of Section 34 or

(ii) certified under sub-section(2) of section 34 or

(iii) any other educational institution certified in this behalf by the Provincial Government.

From the above definition of the expression "certified School" it is evident that even an industrial School established and maintained by Government for the receiption of children and youthful offenders under section 34(1) would be a"certified School". The provisions of sub-section (1) and sub-section (2) of section 34 and 35 however, seek to maintain a distinction between an industrial School established by Government under section 34(1) and that certified by Government under section 34(2), inasmuch as in the

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case of a School established by Government, "the Superintendent and Committee of Visitor shall be deemed to be the managers of the school for the purpose of this Act," while in the case of a certified School. "the governing body shall be deemed to be the managers of the School for the purposes of the Act". The draft rules 1 to 9, 11, 13 to 17 and rules 18,20 and 21 provide for duties of the Lady Superintendent and of the Committee of visitors respectively. From these provisions, it seems that the Children's Home, Industrial Settlement, Sholapur, though a "certified School" within the meaning of section 3(d) of the Bombay Children Act, 1924, is a School established and maintained by Government under section 34(1) and is not an establishment certified by Government under section 34(2) of the Act. It being "under the control of the Criminal Tribes Branch of the Department" it is inconceivable that it could be an establishment certified by Government under section 34(2) as reported by the Chief Inspector. Since, however, the point is of considerable importance in connection with the rules Home Department may please state whether it is a school established under section 34(1) of certified under section 34(2) of the Act.

Id/-

For Remembrancer of Legal Accairs.

U.R. to H.D.,No.8379,dated the 28th November 1944.

Id/- J.I.B.
28/11
J.S.
Id/-S.W.D.
28/11
A.P.A.
Id/- E.B.
28/11
A.A.L.R.
Id/-
28/11

R.D.P.
16/7/56.
S.C.

Office of the R.L.A.

The recommendation of the Chief Inspector of Certified Schools is to certify the school under section 34(1) of the Bombay Children Act, 1924, (page 179 ante). An industrial school established and maintained by Government does not need to be certified under section 34(2) of the Act. Although an industrial school established under section 34(1) is included in the definition of 'certified school' (vide section 3(d) of the Act,) there is no objection to issuing the notification under section 34(1) of the Act.

A revised draft notification is appended.

Id/-

Deputy Secretary to Government.

U.R. to H.D.,No.8357,dated the 28th November 1944.

R.D.P.
16/7/56

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Notification.

Home Department.
Bombay Castle, 1944.

The Bombay Children Act, 1924.

No. .- In pursuance of the provisions of sub-section (1) of section 34 of the Bombay Children Act, 1924 (Bom.XIII of 1924), the Government of Bombay is pleased to establish and maintain with effect from 1st December 1944 an Industrial School at Jambul in the Thana District for the reception of children and youthful offenders under the said x Act.

By order of the Governor of Bombay

Secretary to Government.

R.D.P.
16/7/56

5.C.